

1 to prepare any document of any nature whatsoever for  
2 placement in the station's public inspection file  
3 relative to the City Visions program?

4 A I don't recall his asking me to.

5 Q Did Rose Levinson, when she became the  
6 acting general manager or acting station manager, ask  
7 you to prepare any document of any nature whatsoever  
8 for placement in the station's public inspection file  
9 with respect to the City Visions program?

10 A I don't recall her asking me to, no. If she  
11 did, I don't recall.

12 Q Would it be to the best of your recollection  
13 that the first manager who asked you to place a  
14 document or to prepare a document for placement in the  
15 station's public inspection file with respect to the  
16 City Visions program would have been Jeffrey Ramirez?

17 A I think it was Bill Helgeson during a period  
18 when he was the acting manager, but I'm not certain of  
19 that. That's my thought.

20 Then again, if it was at a time when Bill  
21 had reverted to operations manager after Jeffrey  
22 arrived, my recalling Bill Helgeson might simply be  
23 his transmitting to me what Jeff wanted done. I  
24 couldn't swear to that, I'm afraid.

25 MR. SHOOK: All right. I'm going to show

1     you a document. I'm going to have this marked as  
2     Deposition Exhibit No. 1.

3                             (The document referred to was  
4                             marked for identification as  
5                             Exhibit No. 1.)

6                     BY MR. SHOOK:

7             Q     First of all, do you recognize this  
8     document?

9             A     I do.

10            Q     Do you know who it was who prepared this  
11   document?

12            A     Yes. I did.

13            Q     Could you tell us what it is that it's  
14   supposed to be?

15            A     This document is pages 5 through 7, which is  
16   to say the last three pages, of a seven page document  
17   that I prepared recording the dates, producers and  
18   topics of City Visions through July 7, 1997.

19            Q     Was this the first document of this nature  
20   that you had ever prepared?

21            A     I believe it is.

22            Q     Now, in terms of the last date appearing is  
23   July 7, 1997. Referencing your DayMinder again for  
24   that week, does your DayMinder help you recall  
25   anything with respect to the circumstances leading to

1 the creation of this document?

2 A What it suggests to me and reminds me of is  
3 that that week I worked on the database, and it looks  
4 like two days after the 7th is when I specifically  
5 compiled this list using the latest information  
6 available to me, and the latest information would have  
7 been the show that had been done two days prior on the  
8 7th of July.

9 Q Now, you've noted that we only have pages 5  
10 through 7 of a document that apparently there are four  
11 other pages that you had created and had included with  
12 the document that we have in front of you as  
13 Deposition Exhibit No. 1.

14 A Right.

15 Q And those four earlier pages and the three  
16 pages that we have here were all created at about the  
17 same time?

18 A Yes. I don't know whether I did the entire  
19 list that night. I could very well have. I was  
20 working from rough notes that I had, and this document  
21 was mainly a matter of collating information that I  
22 had in various other forms at the time.

23 Q Looking at the document that we have, albeit  
24 we only have a partial of what you prepared --

25 A The full document is probably on that

1       diskette.

2           Q     Okay. And if we ever get a hold of a  
3       Macintosh computer, we may be able to produce it.

4           MS. REPP: My kids' school has Macs.

5           MR. SHOOK: Okay.

6           THE WITNESS: Do Steve Jobs a favor. Buy a  
7       Mac.

8           BY MR. SHOOK:

9           Q     Were you given any instructions as to how  
10       the document that we have as No. 1 should be  
11       formatted?

12          A     I don't believe I was. As best I recall,  
13       this is a format I came up with on my own which I  
14       thought captured the essential information, which is  
15       to say the date and the topic. I threw in the  
16       producer simply because I wanted to have that in my  
17       database.

18          Q     So in terms of the producer, when we see the  
19       initial JC that would be you?

20          A     Right.

21          Q     And who was VM?

22          A     Vicki McClure.

23          Q     SS?

24          A     Santosh Seeram.

25          Q     LH?

1           A     Lysa Hale.

2           Q     KB?

3           A     KB would be Kate Breen.

4           Q     KA?

5           A     Kate Alson.

6           Q     EF?

7           A     Erin Flynn.  RL is Rose Levinson.

8           Q     MI?

9           A     Matt Isaacs.

10          Q     CE?

11          A     Chandra Egan.  These other than Rose are all

12          associate producers, volunteers that we recruited.

13          Q     Now, when you transmitted this document do

14          you recall who it was you sent it to?

15          A     I'm almost certain it was Bill Helgeson.

16          Q     Did you receive any comments from anyone

17          once Deposition No. 1 was transmitted, any comment

18          about what it was that you had sent them, whether it

19          needed to be modified in any way or whether it was

20          accepted or anything?

21          A     Nobody asked me to change it in any way, so

22          I assumed that it was acceptable.

23                  Now, I did subsequently modify the format

24          myself, but, as I recall, that was on my own

25          initiative because, being an editor myself or former

1 editor at that point, I wasn't happy with the way it  
2 appeared.

3 Q Now, there are some markings on the  
4 document. First of all, in the upper right-hand  
5 corner there appears to be what looks like a partial  
6 date, 7-23, or it could be a reference to something  
7 else.

8 Do you have any knowledge, first of all, as  
9 to who put that on your document?

10 A No, I don't, but it looks like it might be  
11 the same handwriting that wrote Exhibit O, page 1 of  
12 3, at the bottom of the document. I don't know who  
13 that is.

14 MR. SHOOK: All right. Next I want to have  
15 marked Deposition Exhibit No. 2.

16 (The document referred to was  
17 marked for identification as  
18 Exhibit No. 2.)

19 BY MR. SHOOK:

20 Q Now, basically as I go through these what  
21 I'll be doing is asking similar, if not identical,  
22 questions just to get an idea how these various  
23 documents came to be.

24 With respect to Deposition Exhibit No. 2, do  
25 you know who prepared this document?

1           A     Yes. I did.

2           Q     And could you tell us approximately when you  
3 prepared it?

4           A     Well, it's approximately October of 1997  
5 because that's as far as the document goes.

6                     Moreover, I can see from the header that I  
7 faxed it to the station in late October of 1997, and,  
8 yes, this is the document, the database, as I  
9 reformatted it to be more presentable, in my opinion.

10          Q     Now, in terms of given the timing of this  
11 preparation, which appears to be sometime in October  
12 of 1997, did somebody ask you to prepare the document  
13 that we're looking at?

14          A     I don't think so. I think it was merely a  
15 continuation of the earlier request from the station.  
16 In other words, it was an ongoing request; not only  
17 that they needed it one time, but that they would like  
18 it to be updated.

19          Q     Now, if you look at Deposition 2 and compare  
20 it with Deposition 1, it appears that one of the  
21 differences between them is that Deposition 2 breaks  
22 matters out by quarter.

23          A     Yes.

24          Q     It makes a reference. For example, if you  
25 look at the first page it has both Summer 1992 and

1 Fall 1992, and that pattern continues thereafter that  
2 every three months appears to be broken out in some  
3 fashion, whereas the first document everything is  
4 listed consecutively without any apparent breaks.

5 Do you recall any particular reason why you  
6 put in the breaks that you did here in Deposition 2?

7 A I think I did it simply to correspond to the  
8 quarters that the station observed. For example,  
9 their summer program guide would cover July, August  
10 and September. The fall would be October, November,  
11 December and so forth.

12 I did it simply to correspond with the  
13 quarters observed by the station, but that was on my  
14 own initiative. I don't believe anybody asked me to  
15 do that.

16 Q When you transmitted this document, you sent  
17 it to the station?

18 A Yes.

19 Q Was there anybody in particular at the  
20 station that you were sending it to?

21 A Probably Bill Helgeson. He, as the  
22 operations manager, was the person that I dealt with  
23 on anything administrative to do with, you know, the  
24 relationship between City Visions and KALW.

25 I did not have very much to do with the



1 general manager of the station. It was almost always  
2 Bill, or if Bill assigned it to some other person then  
3 I would deal with that person.

4 The only other person that I can think of  
5 was Ana Perez, but I think that was again a year later  
6 probably.

7 Q Now I want to direct your attention to the  
8 fourth page of Deposition 2. There are two parts on  
9 that page that look like they have strike throughs of  
10 one kind or another.

11 A I see them.

12 Q Do you have any idea how those strike  
13 throughs came to be?

14 A I have no idea. They certainly were not on  
15 what I transmitted. In fact, this is a fax that I  
16 would have sent directly from my computer. I didn't  
17 prepare a hard copy and then scan it through a fax.  
18 This was a direct computer fax.

19 Q Likewise with respect to Deposition 2, page  
20 5, the strike through there. You had nothing to do  
21 with that?

22 A Same answer. Yes.

23 Q And going to page 7?

24 A The same.

25 Q And page 9?

1           A     The same. I have no idea who did that or  
2 why.

3           Q     After you sent this document to the station,  
4 did you receive any comment from anyone that the  
5 document was okay or deficient? Did you receive any  
6 comment at all about the document?

7           A     I don't recall exactly, but I know it's in  
8 my nature when I probably saw Bill or somebody to say  
9 hey, did you get the list? He probably said yes.  
10 Fine.

11                     You know, I know there was no complaint  
12 about it because if there had been I'd remember that,  
13 and I would have changed it.

14                     In fact, I would say though that when later  
15 that year, I guess it was late 1997, they provided me  
16 an example of that exemplar that we looked at earlier  
17 they were wanting -- it appears that they wanted just  
18 a little bit more information about the substance of a  
19 show.

20                     I know that when I started providing this  
21 information on a form that the station asked me to use  
22 it had space for that additional information and so I  
23 started providing that information. I brought along a  
24 collection of those, which I can give you.

25           Q     We may or may not need those. In any event,

1 the document that shows as a title Sample Quarterly  
2 Issues/Programs List, the date that it appears to have  
3 been sent to you looks like October 20, 1997.

4 A Uh-huh.

5 Q The document that we have marked as  
6 Deposition Exhibit No. 2 appears to have been sent to  
7 the station October 24, 1997, so we're talking four  
8 days apart.

9 A Yes.

10 Q The document that was sent to you by the  
11 station, as you noted, under the Description column,  
12 for example, goes into or has some detail rather about  
13 whatever the particular program noted here is all  
14 about whereas the listing that you had sent lists  
15 topics, but it doesn't appear to contain any narrative  
16 description.

17 A Yes. That's correct.

18 Q You didn't receive any comment from the  
19 station that you can recall on what it was that you  
20 had sent, given that there is a difference between  
21 what you received on October 20 and --

22 A No. I don't recall any comment suggesting  
23 that I was not providing enough information.

24 As I look at this document, the sample that  
25 they gave me, I think what struck me when I first

1 looked at it was well, okay, this is set up in a way  
2 that I'll have to translate it somehow for my purposes  
3 in reporting to the station because the columns on  
4 here are Issue, Title, Description, Time, Date,  
5 Duration.

6 Time, date, duration. That's not a problem,  
7 but like issue. You know, I wasn't used to thinking  
8 so much in terms of issue. Issue and title. It's  
9 like title of what? The show? The show is City  
10 Visions. Or title of this particular episode?

11 We didn't really title them, although  
12 sometimes I'd concoct a title for a press release, but  
13 that was without prejudice to whoever produced the  
14 show or was hosting the show. I was just trying to  
15 elicit the interest of somebody at a newspaper maybe.

16 You know, these things that appear on my  
17 list as topics -- for example, School District Goals  
18 and Priorities, or The Giants, The Mayor and Me, and  
19 Electoral Trends -- if you want to call that an issue,  
20 fine. If you want to call that a title, fine. If you  
21 want to call that a description, fine. It's really  
22 all three.

23 I did not have anybody at the station  
24 complaining that I had provided too little information  
25 or that more was needed necessarily, but at some point

1 I know -- well, I guess that email that I gave you  
2 earlier documents the fact that the station asked me  
3 to start using a particular form.

4 That is what this packet of stuff is is the  
5 form that they provided me, and it has columns --  
6 Issue, Title, Description, Time, Date, Duration. I  
7 started using that form, as early as I can tell, in  
8 April or, excuse me, June of 1998.

9 There's a gap between October 1997 and June  
10 1998, and why that gap exists I don't know. All I can  
11 say is that's, you know, when they asked me to use  
12 this form. Here's a form. Start using this, please.  
13 Fine. I started doing it.

14 MR. SHOOK: I think we'll be able to get  
15 into that a little bit.

16 The next document I'd like to have marked as  
17 Deposition Exhibit No. 3.

18 (The document referred to was  
19 marked for identification as  
20 Exhibit No. 3.)

21 BY MR. SHOOK:

22 Q Do you know who prepared this document?

23 A Yes. I did.

24 Q And do you know approximately when you  
25 prepared it?

1           A     Well, December of 1997 because that's the  
2     last show on it. I noted it was an update of the main  
3     list, which you've called Deposition No. 2. Rather  
4     than send in the entire list again, I just sent the  
5     update.

6           Q     Was there any particular reason why this  
7     list was limited to one quarter?

8           A     The only reason that I can think of was that  
9     it was just an update rather than the whole list.  
10    Rather than send in the redundant list, I just sent in  
11    the new quarter.

12                I don't remember whether I was asked to only  
13    send an update or whether I on my own initiative sent  
14    only an update.

15          Q     Do you remember whether anybody asked you to  
16    have this list sent to them?

17          A     I think somebody did, but I don't know that  
18    I could identify the person who did. I could  
19    speculate.

20          Q     No. We don't want that. We have enough of  
21    that.

22          A     I'm sure you do.

23          Q     I'm speculating all over the place. Anyway,  
24    in terms of you prepared this document, and then you  
25    would have sent it to the station?

1           A     Right.  It's possible I would have simply  
2     hand-delivered it because I was at the station fairly  
3     often.  I don't see my own fax header at the top of  
4     it, so whether I faxed it or not is hard to say.

5           Q     So for some documents you would have printed  
6     them at home and then brought them to the station --

7           A     Yes.

8           Q     -- and then physically handed them to  
9     whoever?

10          A     Or stuck it in somebody's basket.  Yes.

11          Q     But in the case of this particular document,  
12     you don't remember who it was that you might have  
13     given it to?

14          A     No, I don't.  I don't remember with  
15     certainty.  I think it was Bill Helgeson, but I'm not  
16     certain.

17          Q     With respect to this document, do you recall  
18     receiving any comment from anyone about it?

19          A     No, and hearing no comment I assumed that it  
20     was okay because if they had asked me to do it in a  
21     different way I would have.

22          Q     Now, in terms of the marking that appears on  
23     the bottom of the document where there's a reference  
24     To: Ernie Sanchez, From: Bill H., and then there's a  
25     telephone number noted, did you have anything to do

1 with the placement of that information on this  
2 document?

3 A No.

4 MR. SHOOK: The next document I'd like to  
5 have marked as Deposition Exhibit 4.

6 I'll tell you what. I've got some pages  
7 mixed up here. Excuse me. The document that I would  
8 like marked as No. 4, it's a four-page document. I  
9 think what I did was I separated it out.

10 (The document referred to was  
11 marked for identification as  
12 Exhibit No. 4.)

13 THE WITNESS: Do you want this back?

14 MR. SHOOK: Please. Let me make sure I've  
15 given everybody the same thing. Here's a set. That's  
16 what happens when you use paperclips. It fell off.

17 BY MR. SHOOK:

18 Q Do you recognize this document? It has four  
19 pages, and then on the bottom center are noted the  
20 numbers 64, 65, 66 and 67.

21 A I'm having trouble recognizing this  
22 document, and it's odd. The format looks like  
23 something I could have created, but I do not recall  
24 creating something like this, and yet it's got a  
25 header which has my name on it, and it appears as if I



1 had faxed it myself in April of 1998.

2 I find this one mystifying. For one thing,  
3 the formatting sucks, and I don't think I would export  
4 something like this.

5 Q Well, we all have our moments.

6 A Yes, I suppose.

7 Q It's conceivable that this just wasn't up to  
8 your ordinary standards.

9 A No. It's got Date. Okay. It's got the  
10 guests as well as the topics, I see.

11 Hold on a second. This is sparking some  
12 moment. I'm just trying to catch it.

13 (Pause.)

14 A I think that the database program that I was  
15 using -- I wasn't just keeping a simple list like on  
16 MS Word or something like that. I was using a  
17 computer database program called FileMaker.

18 The actual database file is on that  
19 diskette, so if you do find a Mac you better have  
20 FileMaker Pro on it. Otherwise you won't be able to  
21 read the database. Maybe some Microsoft application  
22 can pry any database open. I don't know.

23 This appears to have been generated directly  
24 from the database as a report of some kind because I  
25 did record in the database not only the dates and the

1 topics, but also the guests and their affiliations.

2 It looks like this was printed out of that.

3 I did not remember doing so, but the information in it  
4 was from my City Visions database.

5 Q And so the markings at the top are those  
6 that would be consistent with something coming from  
7 your computer?

8 A Yes, the computer I was using at the time.

9 Q The reference at the top center a little bit  
10 to the right where it says 4/1/98, that would be the  
11 date that this document was created?

12 A No. That would be the date that it was  
13 faxed.

14 Q The date it was faxed.

15 A The pagination at the bottom, 64, 65, 66,  
16 67, makes it sound like an awfully long document, but  
17 if there's only four programs per page it could very  
18 well run that long.

19 I mean, we did a lot of, lot of shows,  
20 approximately probably 45 shows a year for year after  
21 year after year.

22 Q So the markings at the top, the top right  
23 where it has 1/4 through 4/4 corresponding to the page  
24 numbers bottom center 64 through 67, the page numbers  
25 at the top would suggest that this was the only

1 material that was faxed to the station at that time?

2 A Yes, pages 1 of 4, 2 of 4, et cetera.

3 Q Whereas the page numbers noted at the bottom  
4 center, 64 through 67, would suggest what?

5 A To me it suggests that the program, the  
6 computer program, was paginating the documents, and  
7 then when I said just fax these I must have told it  
8 fax only these four pages.

9 In doing so it left the complete pagination  
10 at the bottom, but then at the top in the header, as  
11 this Commission's rules require, I believe, there was  
12 information about who had faxed it and my phone number  
13 and so forth, and it put the 1 of 4, et cetera, on  
14 there at the time I faxed it.

15 Other than that faxing, which was again  
16 probably direct from the computer as opposed to my  
17 feeding through a scanner, that's the only time it  
18 would have had that kind of pagination. If I had  
19 printed this out, that wouldn't have been on there.

20 Q To your understanding then, what would have  
21 appeared on pages 1 through 63 had those been --

22 A It would have been all the shows up until  
23 12-8-97 from the beginning of my database.

24 Q The shows, for example, that we've already  
25 seen reference to in Deposition Exhibit 2?

1           A     Yes, although obviously this has more  
2     information because this has the guests and their  
3     affiliations. It might even have phone numbers in  
4     there. I don't know.

5                     BY MS. LEAVITT:

6           Q     So this was kind of the raw data from your  
7     database, and you would extract the data from your  
8     database to create the other reports?

9           A     Yes. That is how they were created; at  
10    least I believe so.

11                    I don't remember exactly when I started  
12    using that particular FileMaker program; in other  
13    words, the exhibits we looked at earlier, whether I  
14    created those out of whole cloth and then recreated  
15    the database at a subsequent time. In all likelihood,  
16    that's what I've done.

17                    I mean, I'm lazy enough that when I get a  
18    program like this I'm going to use that to do my work.  
19    I'm not going to recreate a separate list as a text  
20    document, for example, so I probably took that stuff  
21    that I'd been using.

22                    Bright idea. Why don't I put that in my  
23    database, and then I won't have to create this darn  
24    manual list all the time.

25                    MR. SHOOK: I'd like marked next Deposition

1 Exhibit No. 5.

2 (The document referred to was  
3 marked for identification as  
4 Exhibit No. 5.)

5 BY MR. SHOOK:

6 Q Mr. Covell, do you recognize this document?

7 A I do.

8 Q Was this a document that you created?

9 A It is. All the handwritten parts, all the  
10 entries in the cells, are mine, as well as the little  
11 To: and From: header at the top left. The basic form  
12 was provided to me by KALW.

13 Q Do you know who at KALW provided you this  
14 form?

15 A I think it was Ana Perez.

16 Q Do you recall having any conversation with  
17 her about why it is that you're getting this document?

18 A I recall that I was asked to use this form  
19 to provide the information because this was  
20 information the station needed for its public file.  
21 This is one of many similar documents that I prepared.

22 Q Was this the first such document?

23 A No.

24 Q The earliest date we have noted here is  
25 7-6-98 it appears. Do you have a document from an

1 earlier point in time?

2 A Yes.

3 Q And that's one of the documents that you've  
4 been referencing?

5 A Yes. I brought along today every document I  
6 have of this nature, and this is the entire packet.

7 Q With respect to the packet, what is the  
8 first date noted?

9 A 6-8-98.

10 Q Now, initially were these sheets such as  
11 Deposition Exhibit 5 done on a monthly basis?

12 A Initially, yes.

13 Q They were done on a monthly basis at  
14 anyone's direction, or how did this come to pass that  
15 it was done monthly?

16 A I think I was asked to prepare them monthly.  
17 I don't recall a specific do it monthly please, but  
18 just looking at them there's one for every month, and  
19 yet there's a lot of blanks at the end.

20 Being miserly, I probably would have done it  
21 once every two months except that somebody asked me to  
22 do it monthly, yet at some later point I note that  
23 come November I started, you know, spreading it out.

24 I mean, November happened to have five  
25 Mondays, and then December, being the holidays, it was

1     only like a partial month for City Visions and so I've  
2     got a sheet here that I sent in on December 15, 1998,  
3     which includes all the City Visions that were done in  
4     both November and December of 1998, a total of seven  
5     shows.

6             Subsequent sheets are similarly completed.  
7     Perhaps -- well, I don't want to speculate, but I have  
8     them all I think from June of 1998 through the end of  
9     my involvement with producing the show. I really  
10    don't need them. I'd be happy to contribute them to  
11    the Agency file if you want them.

12            MS. LEAVITT: Sure.

13            THE WITNESS: It thins my file.

14            MR. SHOOK: We're always happy to have more  
15    paper.

16            THE WITNESS: Originals at that.

17            MS. LEAVITT: That's right.

18            MR. SHOOK: I'll tell you what. Can we take  
19    a five minute break?

20            (Whereupon, a short recess was taken.)

21            MR. SHOOK: I'd like the next document  
22    marked as Deposition 6.

23                           (The document referred to was  
24                           marked for identification as  
25                           Exhibit No. 6.)

1 BY MR. SHOOK:

2 Q In another context, you briefly talked to us  
3 about Deposition 6. Now that we have it marked and  
4 it's a little bit more organized here, could you tell  
5 us what Deposition Exhibit 6 is?

6 A This is an email message that I received  
7 from KALW's operations manager, Bill Helgeson. It  
8 acknowledges his receipt of one of the lists of issues  
9 that I had provided.

10 Q When you look at the subject it says Re:  
11 City Visions 97Q4.

12 A Right.

13 Q That would suggest to me that it could be  
14 related in some fashion to what we have marked as  
15 Deposition Exhibit No. 3.

16 A I think that's accurate, yes.

17 Q So far as you can recall, Deposition 6 is  
18 thanking you for sending Deposition 3?

19 A I think that's correct, yes.

20 Q Now, Mr. Helgeson is asking you to prepare  
21 such a list quarterly from now on?

22 A Yes, that's what he's asking.

23 Q Do you recall having any conversation with  
24 him about that?

25 A No. What he said here was enough.



1           Q     It was enough for you to know what he was  
2     talking about?

3           A     Yes.

4           Q     Which was to prepare a City Visions list on  
5     a quarterly basis in the future?

6           A     Right, which I had no problem doing. I was  
7     happy to do it.

8           MR. SHOOK: I'd like the next document  
9     marked as Deposition 7.

10                                 (The document referred to was  
11                                 marked for identification as  
12                                 Exhibit No. 7.)

13           BY MR. SHOOK:

14           Q     Again we've talked about this document in  
15     another context. Could you tell us what Deposition  
16     Exhibit 7 is?

17           A     This is an exchange of emails between Rose  
18     Levinson and me, her message dated April 30, 1998, and  
19     my response on May 1, 1998, referencing Ana Perez.

20           Q     The reference here to CV, that concerns City  
21     Visions?

22           A     Correct. CV was what we called City  
23     Visions.

24           Q     And the reference to keeping a database of  
25     CV topics/guests? What's that about?